IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.4286 OF 2005
IN
FIRST APPEAL NO.28 OF 1997

Shri Motiram Shyamnarayan Gupta ...Applicant
Vs.
Shri Hiralal Kantaprasad Gupta & Ors. ...Respondents

Shri Jitendra G. Damani for the Applicant.
Shri R.B. Singh for the Respondents.

CORAM : A. S. OKA, J.
DATE : MARCH 18, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Applicant who is the Respondent No.2 in the First Appeal. He states that the Respondent Nos.1 to 3 herein who are the Appellants in the First Appeal are trying to carry out construction after part of the suit premises came down.

2. The statement made by the learned Advocate for the Applicant has been disputed by the Advocate appearing for the Appellants. He states that the Appellants in the Appeal have applied for grant of permission to the Municipal Corporation for carrying out construction and unless permission is granted, the Applicants will not take any further steps. The statement is accepted. The Advocate for the Applicant

states that the Applicant has already submitted their objections in writing to the application for permission made by the Appellants. He submits that the Municipal Corporation should be directed to decide the application made by the Appellants on its own merits. In my view, it is not necessary to issue such direction as the Municipal Corporation is always expected to decide such application on merits.

3. In view of the statement made by the Advocate for the Applicant, this Application cannot be entertained as of today. Application is rejected.

JUDGE